

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GARY GILLARD,

Plaintiff,

vs.

9:09-CV-0431 (TJM/DEP)

MICHAEL ROVELLI, et al.,

Defendants.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated August 30, 2010 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

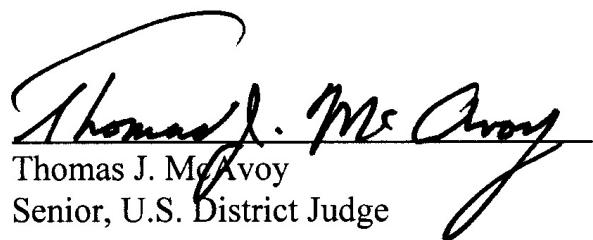
It is therefore,

ORDERED that Defendants' motion to dismiss (Dkt. # 27) is **GRANTED**, and all claims in this action with the exception of those against Hamel and McNally are

DISMISSED with leave to replead consistent with Magistrate Judge Peebles' Report and Recommendation. See Rep. Rec., p. 23, n. 7.

IT IS SO ORDERED

DATED: December 13, 2010



The image shows a handwritten signature in black ink, which appears to read "Thomas J. McAvoy". Below the signature, there is printed text identifying the signer.

Thomas J. McAvoy
Senior, U.S. District Judge